

ANN CHANCE 3/7/2019

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1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MISSOURI  
3 EASTERN DIVISION  
4  
5 MALEEHA AHMAD, )  
6 Plaintiffs, )  
7 vs. ) Civil Action No.  
8 CITY OF ST. LOUIS, ) 4:17-cv-2455 CDP  
9 MISSOURI, )  
10 Defendant. )

\* \* \* \* \*

11 JESSICA LANGFORD, )  
12 Plaintiff, )  
13 vs. ) Civil Action No.  
14 CITY OF ST. LOUIS, ) 4:18-cv-2037 CAS  
15 MISSOURI, )  
16 Defendant.)

17  
18  
19  
20  
21 DEPOSITION OF ANN CHANCE  
22 TAKEN ON BEHALF OF THE PLAINTIFFS  
23 MARCH 7, 2019  
24  
25

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10 Plaintiff,) )  
11 vs. ) Civil Action No.  
12 CITY OF ST. LOUIS, ) 4:18-cv-2037 CAS  
13 MISSOURI, )  
14 Defendant.) )

15 DEPOSITION OF WITNESS, ANN CHANCE,  
16 produced, sworn and examined on the 7th day of  
17 March, 2019, between the hours of eight o'clock in  
18 the forenoon and six o'clock in the afternoon of  
19 that day, at the City of St. Louis Law Department,  
20 Room 314, City Hall, St. Louis, Missouri, before  
21 Tara Schwake, a Registered Professional Reporter,  
22 Certified Realtime Reporter, Certified Shorthand  
23 Reporter (IL), Certified Court Reporter (MO), and  
24 Notary Public within and for the State of Missouri.  
25

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1 APPEARANCES

2 FOR THE PLAINTIFFS:

3 ACLU OF MISSOURI

4 906 Olive Street, Suite 1130

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6 (314) 669-3420

7 by: Mr. Anthony Rothert

8 Ms. Jessie Steffan

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12 CITY OF ST. LOUIS LAW DEPARTMENT

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16 by: Judge Robert Dierker

17 Ms. Amy Raimondo

18 dierkerr@stlouis-mo.gov

19 COURT REPORTER:

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24 (314) 644-2191

25 transcripts@alarislitigation.us

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1                   IT IS HEREBY STIPULATED AND AGREED by  
2   and between Counsel for Plaintiffs and Counsel for  
3   Defendant that this deposition may be taken by Tara  
4   Schwake, Notary Public and Certified Realtime  
5   Reporter, thereafter transcribed into typewriting,  
6   with the signature of the witness being expressly  
7   waived.

8                   ANN CHANCE,  
9   of lawful age, having been produced, sworn, and  
10   examined on the part of Plaintiffs, testified as  
11   follows:

12                               \* \* \* \* \*

13                   (Deposition commenced at 1:03 p.m.)

14                               EXAMINATION

15   QUESTIONS BY MR. ROTHERT:

16               **Q       Good afternoon. Could you state your**  
17   **name for the record, please?**

18               A       Ann Chance.

19               **Q       Ms. Chance, my name is Tony Rothert,**  
20   **and I am one of the attorneys for plaintiffs in**  
21   **some various cases that you're here for on**  
22   **deposition today, it was nice to meet you earlier.**

23                               **Have you ever been deposed before?**

24               A       No.

25               **Q       Okay. Let me explain just a few**

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1 ground rules. This is really a deposition where  
2 we're just seeking information, so I hope that it  
3 will be very conversation-like, but if you -- it  
4 would be useful if you'd let me finish asking any  
5 questions before you answer them.

6 A Sure.

7 Q And if you don't understand a  
8 question, you can ask me to rephrase it or explain,  
9 and I'll be happy to do that.

10 A Okay.

11 Q You can take a break any time you  
12 need one. Just let us know. I would like you to  
13 answer whatever question is pending before you --  
14 before you take a break, but any time you need one  
15 and as many as you need is fine.

16 A Okay.

17 Q Are you taking any medications that  
18 would impair your ability to remember anything  
19 today?

20 A No.

21 Q Did you do anything to prepare for  
22 today's deposition?

23 A In what way? Yes, I got together the  
24 stuff that they asked me to get together. For  
25 information.

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1           Q       All right. Did you do anything else?  
2       Did you have any meetings with anyone to prepare?  
3       Or --

4           A       No. I came a little early to talk to  
5       Bob about what we were going to do today, being as  
6       how I've never done this before.

7           Q       Right. But you didn't have any  
8       meetings with anyone else?

9           A       No.

10          Q       Okay. That's fine. This is not a  
11       gotcha question. Just asking. And did you gather  
12       some documents in preparation for today's  
13       deposition?

14          A       Yes.

15          Q       Okay. Are those the ones that are in  
16       front of you?

17          A       Yeah. Do you want to know what they  
18       are?

19          Q       Well, if I could look?

20          A       There's two copies of this because I  
21       wasn't sure how many people --

22          Q       Sure. That's okay. All right. We  
23       will make sure we go through these before we're  
24       done.

25          A       Okay.



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1           Q       Can you tell us where you work?

2           A       Here at City Hall, Room 416.

3           Q       And how long have you worked in City  
4   Hall?

5           A       Twelve years in January. Last  
6   January.

7           Q       What's your job title?

8           A       My civil service title is special  
9   events program executive.

10          Q       Has that been your job title the  
11   entire time you've worked here?

12          A       Yes.

13          Q       Can you describe what your job duties  
14   are?

15          A       Certainly. I am the Office of  
16   Special Events with the City of St. Louis. And  
17   what I do is basically work with anyone who wants  
18   to have an event in public space in the City of St.  
19   Louis. So that would be streets and parks  
20   basically.

21          Q       Okay.

22          A       And that's for your -- there's other  
23   things that I do as well, but I don't know that  
24   they mean anything to this.

25          Q       Why don't you just tell us what else

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1     **you do.**

2             A        Okay. I do all of the rental of City  
3     Hall, the rotunda, for anything and all the  
4     scheduling and keep the calendar for that. I keep  
5     the calendar for all events in the City. I am on  
6     various committees and boards, depending upon  
7     what's going on. All of it related to events, of  
8     course, and I also handle the charitable giving  
9     program for the City of St. Louis. I know.  
10    Doesn't fit, does it? And our office also handles  
11    the meeting -- meetings and scheduling for the 1520  
12    Market meeting rooms.

13            **Q        Is 1520 Market an address?**

14            A        It is, and it's right up the street.  
15    It's City Hall West. I don't know what else I'd --  
16    it's -- yes.

17            **Q        That's fine. That's enough. So how**  
18    **many people besides you work in the Office of**  
19    **Special Events?**

20            A        One, my secretary, Kathy Bess.

21            **Q        Now, you were elected the Riverfront**  
22    **Times favorite geezer; is that right? Is that you?**

23            A        That's me. That was years ago. I  
24    don't know what year it was.

25            **Q        2011; that sound right?**

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1 A Could be. I don't know.

2 Q Do you know what caused --

3 A I thought it was funny, but...

4 Q I think it's funny too. Do you know  
5 what you did to earn that?

6 A No. My involvement with, I mean, I  
7 guess just because I do what I do and I deal with  
8 everybody.

9 Q Okay. I'm going to find the  
10 deposition notice here somewhere. My files were in  
11 order and now they're not, so there will be a  
12 little bit of shuffling.

13 (Exhibit 1 marked for identification  
14 by the court reporter.)

15 Q (BY MR. ROTHERT) I'm handing you  
16 what's been marked as Exhibit 1, and I've provided  
17 a copy to Mr. Dierker. My guess is you have not  
18 seen this before.

19 Have you seen this before?

20 A No.

21 Q All right. This is the notice for  
22 this deposition. If you could turn to the second  
23 page? And where it says number 3, "The City of St.  
24 Louis's policies and/or practices concerning the  
25 issuance of a permit for a protest."

1 A Okay.

2 Q Do you see that?

3 A Mm-hmm.

4 Q Do you understand that you're  
5 designated today to testify on behalf of the City  
6 as to that topic?

7 A Mm-hmm.

8 Q You have to say yes.

9 A Yes. Yes. Sorry.

10 Q And you are prepared to testify on  
11 behalf of the City with regard to topic 3 today?

12 A Yes.

13 Q Can you tell me what policies the  
14 City of St. Louis has in effect today concerning  
15 the issuance of a permit for a protest?

16 A None. There are no policies for  
17 permits for protests.

18 Q Okay. Are there any ways short of a  
19 policy to get a permit for a protest?

20 A Certainly. If -- I mean, we don't  
21 differentiate between a protest and a kid's  
22 birthday party. If it takes place in public space,  
23 closing a street, using a park, and they request a  
24 permit, we work with them.

25 Q And how -- what's the first thing

1     **someone does for a protest if they wanted to have a**  
2     **permit? What would they have to do?**

3             A       If they come to me and say we want to  
4     get a permit to have a protest, I would say to  
5     them, when and where do you want to do this? And  
6     make sure that the calendar is clear and that we  
7     don't already -- you know, like they're not wanting  
8     to do a protest down Market on the day we do the  
9     St. Patrick's Day Parade, for, instance, because  
10    it's already booked. That's first thing we do. If  
11    they want to be in a park, I verify the fact that  
12    the park is available.

13            At that point, I generally get an  
14    email address or, if they come in to the office, I  
15    give them a permit packet and then I sit down and  
16    go over it with them. Otherwise, I do it by email  
17    or on the phone.

18            If they look it over and they have  
19    questions, then we address it at that point.

20            **Q       You mentioned that the first step is**  
21    **they come to you. How do people know to come to**  
22    **you?**

23            A       Well, a lot of people go on the City  
24    website and there is a page for the Office of  
25    Special Events. It's under O for office. Not S,

1 but they do, they look it up because they feel like  
2 what they're doing is a special event.

3 Sometimes they will call the Park  
4 Department first or the Street Department and then  
5 they refer them to me and then I go over it with  
6 them.

7 Sometimes they come to City Hall and  
8 just look at the directory and see there's an  
9 Office of Special Events and they walk in the door.  
10 So any number of ways.

11 (Exhibit 2 marked for identification  
12 by the court reporter.)

13 **Q (BY MR. ROTHERT) I'm going to hand**  
14 **you what has been marked as Exhibit 2, and I've**  
15 **already provided a copy to Mr. Dierker.**

16 A This is off of our page.

17 **Q Does this look like -- is this --**

18 A Similar.

19 **Q -- your web page, what's on your web**  
20 **page currently?**

21 A Yes, it does look like what's on the  
22 web page.

23 **Q Okay. Has this been updated**  
24 **recently? Or do you know?**

25 A I don't think so, no. There may be

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1 slight changes in things from the Health Department  
2 or another department but nothing that I've  
3 changed. Not recently anyway.

4 **Q And when you say "recently," do you**  
5 **mean within the last -- how long?**

6 A Recently would be within the last  
7 year.

8 **Q Who makes the changes, if there are**  
9 **changes to the website?**

10 A Say, I send an email to IT and say, I  
11 need you to change the wording on something. It's  
12 only happened once in these years, but, and then  
13 they go in and do it. And then if there are other  
14 changes -- like if the Health Department, right now  
15 I'm trying to get them to change something. I send  
16 them an email, then they go to IT and work through  
17 the process.

18 **Q At the bottom of the first page of**  
19 **this, do you see where it says "Events That Need to**  
20 **Follow This Process"?**

21 A Yes.

22 **Q Listed there are "Parades; Street,**  
23 **Runs and/or Walks; Cycling Races or Rides;**  
24 **Festivals, Street Fairs, Outdoor Concerts; and**  
25 **Other large public events." And then it says that**

1     **"The process does apply to these events and you**  
2     **will need to follow this process to obtain a**  
3     **permit."**

4             A       Mm-hmm.

5             Q       **Is that accurate?**

6             A       Yes.

7             Q       **So would someone know from this that**  
8     **this would be the process to follow for if they**  
9     **wanted to have a permit for a protest? Or --**

10            A       Well, yes. They should. I can't say  
11    that because I don't know how people think. But I  
12    would say yes. They would look at, in my mind,  
13    they would look at it and say "Other large public  
14    events, oh, that sounds like us." So they would  
15    call.

16            Q       **How much does it, if someone was**  
17    **applying for a permit from a protest -- for a**  
18    **protest, how much does that cost?**

19            A       Well, if they do it in a timely  
20    manner, it's \$25 and it's a processing fee to my  
21    office. And that's all that is. Then after that,  
22    there are other fees. There would be the park fee,  
23    the street fee, that kind of thing. If they have  
24    food, there would be health permits involved.

25                    They would have many other expenses



1 that would be involved in this. They have to have  
2 insurance, they have to have security for the  
3 route, that kind of thing. But that's not what  
4 you're asking. You're asking the fee for this.  
5 It's a \$25 processing fee if it is done in a timely  
6 manner.

7 If it's too short a time, then we  
8 charge \$100 for the processing fee. We don't do  
9 that very often because, generally, if it's  
10 somebody that's doing something for the first time,  
11 they don't know and we try to work with them on it.

12 **Q What does timely manner mean?**

13 A More than 30 days. Preferably 90.

14 **Q And you can waive the \$25 fee; is**  
15 **that right?**

16 A Hmm.

17 **Q You used to waive it?**

18 A I don't waive it.

19 **Q Did you used to waive it?**

20 A I don't, no. Other departments can  
21 waive, some other departments can waive. Excise  
22 can't waive their fees and Health Department can't  
23 waive theirs. Streets and parks, they can waive  
24 their fees.

25 What I can do is either -- is charge

1 the 25 or charge the 100. And I'm not saying that  
2 I've never waived a fee, but I -- it's not in my  
3 head that I've done that.

4 Q So if I wanted to have a, like a  
5 large band party, like a punk rock band party at my  
6 house in the City, would that -- I'd have to pay  
7 that fee?

8 A No.

9 Q Why wouldn't I have to do it?

10 A It's on private property.

11 Q What if I wanted to do it in a park?

12 A Then you get a park permit and you  
13 would then abide by the rules of the park and you  
14 would get a special event permit. Well, it  
15 depends. Is it a private party? Your birthday  
16 party, your kid's birthday party? Then it's just  
17 strictly a park fee.

18 And then they would go over with you,  
19 the Park Department would say, okay, you're going  
20 to have a band, you're going to have amplified  
21 sound, this is the rule, you know, we have a curfew  
22 of -- I don't even know what it is.

23 MR. ROTHERT: I'm going to mark  
24 Exhibit 3, please.

25 (Exhibit 3 marked for identification)

1 by the court reporter.)

2 Q (BY MR. ROTHERT) I'm going to hand  
3 you what's been marked as Exhibit 3, which I have  
4 handed to Mr. Dierker, and this is a newspaper  
5 article and there is a quote attributed to you  
6 there about permits, about the permit, about the  
7 fourth paragraph.

8 It says, "Ignore the \$25 application  
9 fee. Chance says she doesn't collect it." Quote,  
10 "'I have the ability to collect one, but I don't,'  
11 she says. The application is really more like a  
12 checklist" --

13 A And you know what? In 2011, I  
14 didn't. We didn't even have this form in 2011.

15 Q Okay. So when did you start  
16 collecting the fee?

17 A When the City IT Department and the  
18 people that worked on it create -- got City Works,  
19 which is a program on our -- in our system that we  
20 can put this and -- put this form and send it out  
21 to the departments in the City for approvals. And  
22 we actually had a permitting process that made  
23 sense.

24 Before that, I didn't charge people  
25 for something. I did the same thing but it was

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1 very rough. I mean, it was around the edges and  
2 there were -- it was -- it was a different time.  
3 It wasn't -- we weren't online yet, none of that  
4 had happened yet.

5 **Q So do you know approximately, you've**  
6 **kinda described when, but do you know approximately**  
7 **what year you would have started collecting the**  
8 **fee?**

9 A I'm going to say, because this was  
10 special event permit STL 15, so I would say  
11 probably 2014.

12 MR. ROTHERT: Let's go ahead and mark  
13 this as an exhibit and we'll talk about that.

14 (Exhibit 4 marked for identification  
15 by the court reporter.)

16 **Q (BY MR. ROTHERT) I'm handing you**  
17 **back Exhibit 4. I don't have a copy to give Mr.**  
18 **Dierker.**

19 A I have two.

20 **Q This is one of the documents you**  
21 **brought here today; correct?**

22 A Yes. These are the -- there's  
23 actually two different -- there's this, these pages  
24 here. This is the Special Event Consolidated  
25 Application and this is what you fill out. You can

1 do this online, you can download it, fill it out,  
2 and actually apply online yourself. Or you can  
3 download it, fill it out, and send it to me and  
4 I'll put it on, in the system for you, but it all  
5 goes into the City Works system. So this is the  
6 Special Event Application.

7 Along with that, if you are going to  
8 be in the street, either closing the street for a  
9 block party type thing or having a run or parade or  
10 that kind of thing, then this is the Street  
11 Application that also gets submitted. So there are  
12 two separate documents.

13 MR. ROTHERT: Let's tear off that  
14 last page and make it its own exhibit then, okay?

15 (Exhibit 5 marked for identification  
16 by the court reporter.)

17 Q (BY MR. ROTHERT) So Exhibit 4 is the  
18 Consolidated Application?

19 A Correct.

20 Q Okay. Now I'm handing you back  
21 Exhibit 5 and that used to be on the back of  
22 Exhibit 4, but that's the separate, if you are  
23 having a street closing?

24 A Yes. If you're doing a street  
25 closing.

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1           Q       Now, the special, the type of permits  
2     you give out, there are different types; right?  
3     Like there's a festival permit, a street fair  
4     permit?

5           A       I only process the Special Event  
6     Application. It goes into the City Works system  
7     and is pushed out, dispatched, to the various  
8     departments that are involved. So if they are  
9     having food, if they have tents, if they have a  
10    stage, if they have temporary electric, if they  
11    have anything else, then it goes to those  
12    departments.

13                   And all those questions are asked in  
14    here. Are you serving alcohol? Blah, blah, blah.  
15    Are you having animals? Then it goes to the  
16    various departments. They all issue their own  
17    permit. I do not issue those permits, I don't  
18    collect that money, I don't waive the fees or not  
19    waive the fees. But they all do.

20                   In order for that to happen, this  
21    goes out, they approve, it all ends up in the Board  
22    of Public Service and one overall festival permit  
23    is issued once all -- everything is met. If they  
24    have their park permit, if they have their  
25    insurance in, if they got their street permit.

1 Q Okay.

2 A But those are not issued by me.

3 Q So do you issue anything?

4 A No.

5 Q You just facilitate the issuance?

6 A I herd the cats and I facilitate.

7 Q And what are the different -- you  
8 mentioned a festival permit. What other types of  
9 permits are there that are issued?

10 A All the kinds that I -- not through  
11 -- not me, but --

12 Q Through the City.

13 A Park permit, street permit, health  
14 permits, which include -- it's food. Or if there  
15 are animals involved, there's that, that kind of  
16 thing. They also look at the porta-potties and the  
17 sanitation, that's all done through the Health  
18 Department.

19 Excise, which is alcohol. Any time  
20 there's alcohol served, sold, whatever, at an  
21 event. The Building Division gets involved if  
22 there are tents over 800 square feet, if there is  
23 temporary electric, if there is a stage. That kind  
24 of thing.

25 Anyway, then the Building Division,

1 they also have -- Building Division is also fire  
2 safety, so they get involved when there are food  
3 trucks or propane heaters and a tent, like we just  
4 had with Mardi Gras, might have with St. Pat's, all  
5 of that kind of stuff.

6 And those permits are all issued  
7 based on what the applicant wants or needs for  
8 their event.

9 (Exhibit 6 marked for identification  
10 by the court reporter.)

11 **Q (BY MR. ROTHERT) Handing you what's**  
12 **been marked as Exhibit 6, and I have provided a**  
13 **copy to Mr. Dierker, is this also the -- part of**  
14 **the website for the Special Event Permit page?**

15 A They are not permits that I give but  
16 they are permits that you could possibly need to  
17 have to do your event. And not all events  
18 obviously have all permits.

19 **Q What kind of the permits listed here**  
20 **would you be asking for if you were having a just a**  
21 **protest?**

22 A A protest?

23 **Q Mm-hmm.**

24 A If you are asking to close the  
25 street, you get a street permit.



1           **Q       So that would be the Street/Run and**  
2   **Walks permit?**

3           A       Mm-hmm. Run and Walk Parade. It's  
4   actually a parade permit but they're all the same  
5   permit.

6           **Q       Would you -- is that then -- what**  
7   **departments would you send that to?**

8           A       Police Department, Fire Department,  
9   Street Department.

10          **Q       Now, the Street Department has its**  
11   **own permit application process; right?**

12          A       Yes. That's what this is.

13                   MR. DIERKER: By "this" you're  
14   referring to Exhibit 5?

15          A       Oh, I'm referring to Exhibit 5.

16                   MR. ROTHERT: If you can mark these  
17   two, please?

18                           (Exhibits 7 and 8 marked for  
19   identification by the court reporter.)

20          **Q       (BY MR. ROTHERT) Does a protest on**  
21   **the sidewalk, does that also go to the Street**  
22   **Department?**

23          A       No.

24          **Q       Who does it go to?**

25          A       Nobody. If you're not blocking the

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1 public right of way, you can walk on the sidewalk  
2 just like anybody else.

3 **Q What if you're going to have a**  
4 **protest on the sidewalk?**

5 A Doesn't matter as long as you're not  
6 blocking the public right of way. And people, I  
7 have -- I have people -- it happens all the time.  
8 I mean, it's -- there's a rare week that goes by  
9 that we don't have somebody walking on the sidewalk  
10 with signs or handing out information or whatever,  
11 but as long as they don't block the public right of  
12 way and they're -- and if they call me and I talk  
13 to them about it, I just always remind them to let  
14 people pass, don't touch anybody, don't step into  
15 traffic, don't step into the street, pick up your  
16 trash, mind your manners basically. But you don't  
17 need a permit to walk on the sidewalk.

18 **Q What kind of permit -- let's say**  
19 **you're expecting a group so you might clog the**  
20 **sidewalk. What kind of -- what permit would you --**

21 A No.

22 **Q There isn't one?**

23 A Hmm-mm.

24 **Q You have it say it out loud.**

25 A No, there is not one.

1           Q       Thank you. I'm going to hand you  
2       what is marked Exhibit 7. I just gave Mr. Dierker  
3       Exhibit 7 and 8.

4                   Is this the Street Department  
5       blocking the right of the way permit?

6           A       Mm-hmm.

7           Q       Page?

8           A       Mm-hmm.

9           Q       You have to say yes.

10          A       Yes. It does look like it. Yes, it  
11       does.

12          Q       And now I'm going to hand you Exhibit  
13       8, and is that the other part of the blocking the  
14       roadway page from the website?

15          A       It appears to be. And I don't think  
16       they have had any real changes lately either. No  
17       real changes.

18          Q       So when -- go ahead. Do you have  
19       something to say?

20          A       Yes. There could be -- on this,  
21       under Fees, there could be some changes. I don't  
22       know what they are but there could be.

23          Q       On Exhibit 8?

24          A       On Exhibit 8, on the page where it  
25       says Fees.

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1           Q       Okay. That may have been updated  
2       recently --

3           A       It may have been updated, yes.

4           Q       All right. So if -- do you need a  
5       permit for the street -- for any part of the street  
6       or just the right of way?

7           A       You need a permit for -- well, to --  
8       to -- to the Street Department, from curb lane to  
9       curb lane is public right of way. Blocking. So  
10      yes, the curb lane, and it has a different fee than  
11      the traffic lanes. Curb lanes are \$20 a block;  
12      traffic lanes are \$30 a block. And then along with  
13      that you have the meter fees, if you're in a  
14      metered area, which most of downtown is.

15          Q       So if your festival is using a block,  
16      you also have to pay the fees for the meters on the  
17      block?

18          A       Yes, you do.

19          Q       Now, if you could look at Exhibit 7?

20          A       Mm-hmm.

21          Q       The type of permits here, it lists  
22      seven types of permits; correct?

23          A       That's what it looks like. Well.  
24      You're looking at step 1 through 6.

25          Q       Yeah.

1           A       Bike rack doesn't really have a  
2     permit. It's just a request to rent it. That's  
3     not a permit that's issued. Blocking, yes.  
4     Driveway, yes. Excavation, yes. Overdimensional  
5     Vehicle, yeah, that's like a motor home or a big  
6     truck that you want to park on the street, yes.  
7     Residential Block Party, yes, is a permit.  
8     Sidewalk, "Constructing a sidewalk or re-" -- yes.  
9     Yep.

10                   Those are permits. Except for the --  
11    except for the bike rack. You just apply to rent  
12    it and use it. It doesn't actually require a  
13    permit.

14           **Q       So which of these kinds of permits**  
15   **would you get if you wanted to have a protest in a**  
16   **street?**

17           A       In the street?

18           **Q       Yeah. And shut down the street.**

19           A       You would get -- well, let's see.  
20    You would get a blocking permit, and it would be  
21    under special event -- it would actually be --

22           **Q       Can you mention what exhibit you have**  
23   **in your hand?**

24           A       I have Exhibit 5.

25           **Q       Yes.**

1           A       And you apply to the Street  
2 Department, and you are -- does your event include  
3 a parade, walk, run? Yes. All of those are  
4 questions that are asked on here.

5                   And then it also, on this  
6 application, they want to know the route. Or if  
7 you're just blocking a street, what street are you  
8 blocking? Let's just say Market. You're going to  
9 block Market from Tucker to 14th and have a street  
10 festival.

11           **Q       How does one get that application?**

12           A       It's applied through my department  
13 along with the Consolidated Special Event  
14 Application, so that we have all the information on  
15 who it is, when it is, where it is, all of the  
16 elements of the event. It is then put into the  
17 City Works system and dispatched to any department  
18 that might be involved.

19           **Q       All right. On Exhibit 7, which is**  
20 **the website for the Street Department for a**  
21 **blocking permit, it describes that as "Blocking any**  
22 **part of the right of way with construction**  
23 **equipment, dumpsters, moving vans, storage**  
24 **containers, et cetera, or requesting special**  
25 **parking/no parking for a limited time (non-event**

1     **related.)" Is that right?**

2             A       Yes. I've never issued a street  
3     permit in my life. So I know what they say. I  
4     don't know how. I know this. This is a special  
5     event street permit for a festival or walk, run,  
6     parade. That's what I know.

7             **Q       Are block parties handled through**  
8     **your department? Or just --**

9             A       No. If they're neighborhood block  
10    parties, they are handled by the Street Department  
11    straight up. They don't come through me. And that  
12    includes like national night out, back to school  
13    kind of activities that are in neighborhoods, block  
14    parties.

15                    Sometimes, when it's at a church or a  
16    school, they -- it will turn into a special event  
17    because they are putting rides and food and  
18    porta-potties and Lord only knows what all in the  
19    street. It then goes past a simple neighborhood  
20    block party and becomes a special event, and at  
21    that point then it's pushed to my office and the  
22    applicant is asked to fill out the proper forms.

23             **Q       And -- and who would it be who says,**  
24     **oh, now you need to go to special events? Would**  
25     **that be the --**

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1           A       Usually it's the Street Department.  
2       They look at what's requested and say, oops, this  
3       looks like a special event, shove it over to Ann,  
4       she'll take care of it.

5           Q       Do you know how many times has  
6       someone filed or requested a Special Event Permit  
7       just for a protest? Not a festival, not -- just a  
8       protest?

9           A       Has actually applied?

10          Q       Yes.

11          A       I think once.

12          Q       Okay. Do you recall when?

13          A       Yeah. This year. The Women's March.  
14       In 2019. They came to me last fall and said we are  
15       reconfiguring our march and we want it to be more  
16       informational and have a different focus so we  
17       would like to get the permits that we need to walk  
18       from Aloe Plaza to Kaufman Park and set up an area  
19       in the park with a stage and vendors.

20          Q       So they were also having tents and  
21       vendors this year?

22          A       Yes.

23          Q       They had not done that in the past;  
24       correct?

25          A       Not like that, no.



1           Q       And the permit they were issued was a  
2   festival permit; correct?

3           A       Yes, it was.

4           Q       Did you bring that with you?

5           A       I brought everything with me.

6                   MR. ROTHERT: Let's mark that as an  
7   exhibit and then talk about it.

8                   (Exhibit 9 marked for identification  
9   by the court reporter.)

10          Q       (BY MR. ROTHERT) We've marked whole  
11   folder as an exhibit. I'll hand you Exhibit 9 and  
12   I don't have any idea what's in it so let's figure  
13   it out together. How about you put those in  
14   chronological order.

15          A       This is informational. This is from  
16   a meeting.

17                   Okay. Here's what we got. We have  
18   this -- we had a meeting with the police and the  
19   organizers of the 2019 Women's March. And this is  
20   the little sign in sheet. At that meeting we  
21   discussed the fact that they wanted to get a permit  
22   this year and what they needed to do. Okay? These  
23   are the people that were at the meeting.

24          Q       All right.

25          A       With that being said, they went back

1 and filled out Consolidated Special Event  
2 Application, which looks like this.

3 Q Okay.

4 A Okay?

5 Q How many pages is that?

6 A Four. Okay? It wasn't real -- there  
7 wasn't a real lot of information in it because it  
8 -- this was pretty early on. This on the 8th of  
9 January, even though it seems like it was like  
10 pushed right against the wall for them, that's, you  
11 know, there -- that this was --

12 Q Well, the event was the 18th of  
13 January?

14 A 19th, yeah.

15 Q So this was not more than 30 days in  
16 advance, or 90?

17 A No. It wasn't even close. But we --  
18 you know, I worked with them.

19 Q It worked?

20 A Yes.

21 Q Okay.

22 A And then Megan filled out this Street  
23 Application.

24 Q Who is Megan?

25 A Megan Fennell is the -- was the

1 organizer this year and a year ago. Okay? So this  
2 is the Street Application that goes along with the  
3 Special Event Application. Along with that she had  
4 her little maps, the map of the route and the map  
5 of the ending area; okay? That was put into the  
6 City Works system and sent out to the  
7 departments --

8 Q Okay.

9 A -- for approval. Which they did. It  
10 went to the Street Department, the Police  
11 Department, the Fire Department, the Building  
12 Division, and the Health Department. And they all  
13 approved. There were some delays because they had  
14 a hard time getting insurance because it was so  
15 expensive, but they ended up getting it and the  
16 permit was issued.

17 And but anyway, this is then the  
18 Special Event Permit issued from the Board of  
19 Public Service for the Women's March 2019, January  
20 19, 2019. And on here it has that.

21 Q So this letter dated January 15,  
22 2019, is the permit?

23 A Yep.

24 Q Okay.

25 A So there you are. And all this is,

1 is I just printed this off because we needed to  
2 have what streets were actually going to be closed.  
3 I just needed to see it and I just stuck it in  
4 here.

5 **Q All right. So all the departments**  
6 **approved this one?**

7 A Yes. There was no reason not to.

8 **Q So what grounds would there be for**  
9 **any department to not approve a permit?**

10 A Well, the park permit, Park  
11 Department, that was the delay. They, initially,  
12 they did not approve because they didn't have any  
13 insurance. And so once they got -- that would be a  
14 reason. If you don't -- if they don't have  
15 insurance, they don't -- the Parks Department does  
16 not issue a permit.

17 **Q Okay. And do you need that only if**  
18 **you're using a park?**

19 A Only if you're using a park. We  
20 asked for insurance for everything. For -- for any  
21 -- anybody is using and getting a permit, we ask  
22 for insurance. But the Park Department, it's  
23 actually written into their permit that they must  
24 have insurance.

25 **Q So if you can't get insurance, then**

1     **you can't have an event?**

2             A       They will say no. You can have an  
3     event. You just don't get a permit.

4             **Q       Is that -- that's for the park. If**  
5     **it's outside of a park, would you be able to have a**  
6     **permit?**

7             A       Mm-hmm.

8             **Q       You have to answer out loud.**

9             A       Yes. Yes. If it's outside of a park  
10    and we don't have their insurance, they could be  
11    issued a permit and still have their events.

12            **Q       Okay. What other basis would there**  
13    **be for denying a permit?**

14            A       I have never had one denied so I  
15    don't know what that would be. I guess -- you  
16    know, I guess like the Street Department, the  
17    Street Department could look, let's say, at a bike  
18    race and they'd look at the route and, oops, right  
19    in the middle of the route there's a big  
20    construction -- Ameren is digging up the street and  
21    there's going to be a big hole in the street and  
22    even though they could put a plate over it, it  
23    would be dangerous to run a bike race there. So  
24    they could say, oop, no, you can't do this.

25                    Or you have to change the route

1 because this is a dangerous route. So that would  
2 be I guess -- it's never happened, so.

3 Q Okay. And the -- do you know who at  
4 the Police Department decides whether to approve --

5 A Police or streets?

6 Q Police.

7 A Police is, there's a -- there is a  
8 department in the Police Department called  
9 Operational Planning. Operational Planning has two  
10 officers that handle it, and they are the ones that  
11 do all the details for events and that sort of  
12 thing. Not just our special events but anything  
13 like big funerals in the City, if the president  
14 comes or whatever, they're the ones. And that is  
15 Greg Mueller and Amber Gottschall, and they were  
16 both at this particular meeting.

17 Q Very good. So --

18 A And they are the ones that do the  
19 approval of this stuff.

20 Q And do you know -- they've never not  
21 approved one? The Police Department?

22 A Never not approved one. They  
23 sometimes are slow and they ask a lot of questions,  
24 but it's all for good reason.

25 Q Now, in Exhibit 9 here, this was the

1     **Women's March --**

2             A       This year.

3             Q       **-- permit process for 2019?**

4             A       Correct.

5             Q       **There was a Women's March in 2018 as**  
6     **well?**

7             A       Yes. They did not ask for a permit.

8             Q       **Okay.**

9             A       They did get a -- I don't have a copy  
10    of it because it's not my park.

11            Q       **Okay.**

12            A       They did have a permit from the  
13    National Park System to use Luther Ely, E-l-y,  
14    Smith Park, which is, the entrance now, the  
15    entrance to the arch grounds. They had an  
16    organizer that year. Her name was Laura. These  
17    are emails that we exchanged starting in January.

18                   MR. ROTHERT: Let's mark them as an  
19    exhibit.

20                   (Exhibit 10 marked for identification  
21    by the court reporter.)

22            Q       **(BY MR. ROTHERT) I'm going to hand**  
23    **this back to you. This is Exhibit 10 now.**

24            A       All right.

25            Q       **Go ahead and describe what they are.**

1           A        Their, the Women's March in 2018,  
2    their logistics organizer was Laura Lowry, and she  
3    sent me an email on the 8th of January. Seems to  
4    kind of be a pattern; right? She just went over a  
5    few things. She went over what the route should  
6    be. I then answered her back.

7                   They gather at Aloe Plaza across from  
8    Union Station. They walk to 4th, turn on 4th, they  
9    enter the Luther Ely Smith Park. The National Park  
10   System will issue them a First Amendment permit and  
11   I gave her Victoria Dugan at the National Park  
12   System, her name and information.

13                  She, Laura, came and met with me.  
14   She did not ask for a permit. She did, in her  
15   initial email, comment on the fact that part of the  
16   planning committee did not want the police  
17   involved. We went over that again, that obviously  
18   is not an option. On my part. I can't say they  
19   can or cannot be, and that's it. Because they did  
20   not ask for permits and they had already had one  
21   march and they were in -- everybody was fine in  
22   with it and they just went ahead and did what they  
23   did the year before.

24           Q        **In 2017 they had also had a march?**

25           A        In 2017 they had a march. They did



1 not ask for permits then either.

2 Q Okay. Now, let's go back to 2018.

3 A Okay.

4 Q Did they need a permit? I mean,  
5 obviously -- they didn't need it because they had  
6 their march without it.

7 A No, they don't.

8 Q But should they have had a permit?

9 A Probably, because it got -- it was  
10 big. The weather ended up being decent. It was  
11 too big to stay on the sidewalk. So it probably  
12 would have been wise for them to get a parade  
13 permit. The police seemed to, and you can see from  
14 any of these emails, that they seemed, the police  
15 seemed to feel that they can handle it, you know.  
16 If it ends up that they're too big to stay on the  
17 sidewalk, that they can handle it. So.

18 I mean, it's not my call. I would  
19 have -- if they would have asked me, I would have  
20 suggested a permit.

21 Q Okay. Did they ask you in 2017 for  
22 the Women's March if they needed a permit, do you  
23 know?

24 A Not until the very end.

25 Q All right.

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1 A And that's only after --

2 Q **Even later than the ten days before?**

3 A Oh, yeah. This was like -- we --  
4 these guys in 2017, different people involved, this  
5 was a gal named Valerie Brinkman, and there was  
6 another gal named Sarah, I believe. And we had  
7 different -- Operational Planning. They -- anyway,  
8 this is 2017. They did not get a permit.

9 MR. ROTHERT: Okay. Could we --  
10 let's mark this as an exhibit so we don't forget.

11 (Exhibit 11 marked for identification  
12 by the court reporter.)

13 Q **(BY MR. ROTHERT) Handing you back**  
14 **what's now Exhibit 11. This is your correspondence**  
15 **from the 2017 Women's March?**

16 A Yes. Which started in December. The  
17 day after Christmas.

18 Q **Okay.**

19 A And they -- I asked the police, when  
20 it looked like it was going to get big -- you know,  
21 this was our first experience with any of this. Up  
22 until now we were all pretty innocent. So I asked  
23 the police what I should do. They have agreed to  
24 stay on the sidewalk and obey the traffic signals,  
25 blah, blah, blah, you know, that kind of thing. I

1 then asked the Operational Planning, "it appears to  
2 be growing in size, I feel I should try to get  
3 someone's attention" --

4 **Q Operational Planning is in the Police**  
5 **Department?**

6 A It's the police, yes. "It is a First  
7 Amendment deal so we generally don't issue permits;  
8 but if we have to close streets, it would require a  
9 permit, security, et cetera. Some direction would  
10 be great." That was me to the police.

11 **Q And they said?**

12 A And they said, "Thank you, Ann. We  
13 will monitor the situation." I said, "What does  
14 that mean?"

15 They said, "The Chief is aware of the  
16 march. We are standing by and monitoring all  
17 events planned for the day. I do not have anything  
18 further."

19 Okay. I mean, what am I going to  
20 say? So what I did do, however, on my own, is go  
21 back to Valerie and say, you know, "I had a nice  
22 talk," blah, blah, blah. "I am attaching some  
23 information. Still waiting to hear from SLMPD on  
24 street closings and a permit. I am attaching the  
25 Special Event Permit Application and the Street

1 Application," and then I also gave them some  
2 traffic control companies that would help them  
3 block the street, porta-potty companies, private  
4 security. I gave them all that information,  
5 thinking that if they felt like I did, like this  
6 thing was going to really be big and maybe needed  
7 some assistance in containing, for public safety is  
8 my thought, I don't want anybody to get hurt. So I  
9 then sent them, and this was on the 4th of January.  
10 And there you go. That's it.

11 So did they ask me? No. Did I  
12 suggest it? Yes. And they were very nice.

13 **Q Do you know, has anyone ever applied**  
14 **for a permit to protest outside Planned Parenthood**  
15 **on Forest Park and Boyle?**

16 A All the time.

17 **Q They protest there, yes. You've seen**  
18 **them protest there?**

19 A Oh, heavens, yes.

20 **Q Does that require a permit?**

21 A Depends. We have issued permits for  
22 street closing. Last year I had -- last year was  
23 some sort of anniversary year, I think, if I  
24 recall. Wasn't it of Roe versus Wade thing or  
25 something?

1                   Anyway, last year I had two opposing  
2 groups; one for, once against, whatever. And I  
3 said, you know what you guys, you can't all be in  
4 the same place at the same time. It's a recipe for  
5 disaster and let's just not do this.

6                   So I met with them separately and  
7 yes, we did. We issued two street closing permits;  
8 one on one side of the street, one side of the  
9 parkway, and one on the other. So, and they had  
10 their -- and it was set up so that they were within  
11 whatever the area was, and I don't recall exactly.  
12 I think that's Sarah up there, but regardless, and  
13 so yes.

14                  Normally they don't because they  
15 never leave the sidewalk, you know. They just hang  
16 out up there.

17                  **Q        Okay. Now, the -- so that was**  
18 **planned in advance? That that --**

19                  A        Oh, yeah. They knew -- it was -- I  
20 think it was the anniversary date of Roe versus  
21 Wade, but I could be wrong. It was something.

22                  **Q        So did they contact you?**

23                  A        Mm-hmm. And again, I think in the  
24 case of the Coalition for Life people, the  
25 anti-abortion people, they looked online and went

1 to the website and contacted me through that. The  
2 other side, I think they just know because they --  
3 they're -- I don't know. I don't remember that.

4 **Q So who would have issued those**  
5 **permits, do you know? For that Roe versus Wade**  
6 **anniversary?**

7 A The Street Department. And they did  
8 not get a special event, they didn't -- no Special  
9 Event Application, didn't go through the Board of  
10 Public Service. It did come through me, I put it  
11 in the system, so that the Police Department and  
12 the Street Department and the Fire Department.

13 And you may wonder why I always  
14 include fire, because if they're going to block the  
15 street, they need to know. And if there's anything  
16 that's -- our Fire Department is also our emergency  
17 medical system, and so they always need to be aware  
18 when things like this happen.

19 **Q Is there any time limit on how long,**  
20 **once an application has been made for a Special**  
21 **Event Permit, for the approvals to come?**

22 A I would wish I could say, yeah, and  
23 they all abide by it, but the answer is no.

24 **Q Okay. There's no like --**

25 A I would like it as soon, you know,

1 within a short amount of time. It even spells it  
2 out somewhere, you know, what we would like our  
3 timeline to be.

4 Q But it's not?

5 A But it's not. No.

6 Q And what would someone do -- would  
7 there be any recourse if a Special Event Permit was  
8 denied?

9 A I am assuming, you know, I haven't  
10 read -- I am assuming yes. I'm guessing that they  
11 would have -- be able to question why, and then be  
12 able to take it to whatever department denied it  
13 and appeal would be my guess, so, but I don't know  
14 because it's never happened.

15 Q So I -- I know there's only been the  
16 one Special Event Permit for a protest, so maybe  
17 this doesn't -- maybe you don't know the answer to  
18 this. But how far, if someone was going to have a  
19 protest, what's the shortest time in advance that  
20 they could apply for a Special Event Permit?

21 A Well, obviously, it's less -- these  
22 are 30 days out. And that's pushing it.

23 Q Okay.

24 A But, you know, any -- people have  
25 come to me to get a permit within 24, 48 hours, and

1 I just have to be very truthful with them and tell  
2 them that I can't, my department cannot do anything  
3 about it. That they can attempt to go to the  
4 Street Department and see whether they can deal  
5 directly with streets, if that's what it involves;  
6 or parks, if that's what it involves. If it's less  
7 than 24, 48 hours. I -- there's just nothing I, my  
8 department can do about it.

9 **Q So if there was a spontaneous event,**  
10 **let's say, God forbid, a war starts tonight and**  
11 **someone wanted to have a march to protest that.**  
12 **Would there be any way to get a permit for a**  
13 **protest tonight? Or would you --**

14 **A** I would say if they came to me and it  
15 was legitimately, you know, I would work with them  
16 with the Street Department and the Police  
17 Department. Would it come through the Office of  
18 Special Events? No. Because there is no way that  
19 we could do that. Time wise. I just know better.

20 Now, can we pick up the phone or put  
21 together a real quick meeting, kind of get it done  
22 that way? I would say certainly, yes, that's very  
23 possible. It's never happened, however.

24 **Q I would like to ask you about some**  
25 **protests that have happened in the City of St.**



1     **Louis and ask if you know if any of them have had**  
2     **permits. If you know.**

3             A       Okay.

4             Q       **I will go most recently first. And**  
5     **if you don't know, feel free to tell me you don't**  
6     **know. All right?**

7             A       Okay.

8             Q       **There was a #protectmueller protest**  
9     **at Kiener Plaza on November 8 of 2018.**

10            A       They did not have a permit.

11            Q       **There was a --**

12            A       Was it at Kiener? It wasn't at  
13     Kiener.

14            Q       **Where was it?**

15            A       It was at Luther Ely Smith Park and  
16     they did have a permit. That #protectmueller,  
17     Mueller, whatever his name is, they -- that was  
18     through the National Park System and every 15 days  
19     they would renew their request for permit. And I  
20     know that because I -- because of what you're  
21     asking me, and we didn't -- they did not -- they  
22     were not in Kiener Plaza.

23                    I mean, they may have spilled over  
24     there, I don't know that, but they didn't have a  
25     permit for Kiener because that's our property, but

1 they were -- they did for the Luther Ely Smith  
2 Park.

3 Q Now, do you know -- and this is if  
4 you know. The -- the -- the federal parks -- the  
5 federal government has a permit system for First  
6 Amendment events?

7 A Yes, they do. They are free. They  
8 are -- yes. Yes, they do.

9 Q Can you tell me what you -- will you  
10 educate me about everything you know about them?

11 MR. DIERKER: Is that to get ready  
12 for your next lawsuit?

13 MR. ROTHERT: I don't know.

14 A Their -- the First Amendment actions  
15 that take place on the National Park go through  
16 their permit office which is run by Victoria Dugan  
17 now. And there is a multipage permit application.  
18 I should have -- I actually have some.

19 All of these, up until the Women's  
20 March of this year, all of these marches and so  
21 forth have been ending up on the National Park  
22 ground and then Victoria issues them a permit.

23 Now, the thing about it is that they  
24 have very specific areas that they can be in. Very  
25 specific. I mean, they don't actually fence them

1 off but they, you know, they tell them exactly  
2 where they can be and when they can be there and  
3 that's all spelled out in this permit.

4 They -- and that's why I know about  
5 this, the #protectmueller thing, is because they  
6 told -- they, the protest people, told the police  
7 that they had an unending permit issued to them by  
8 the National Park System. That's really not true.

9 What they had was a request that went  
10 in and it had to be renewed every 15 days and then  
11 during the time period, if they were going to  
12 utilize the permit, then they would complete the  
13 permit process and the Park Department would issue  
14 them the permit.

15 Q (BY MR. ROTHERT) Okay. For a  
16 specific day?

17 A For a specific day, specific time,  
18 specific location. It's all very specific.

19 Q Does the City of St. Louis have any  
20 way to get a -- a similar way to get a permit  
21 without a specific date or time?

22 A No.

23 Q Do you know if there was a permit for  
24 the protest in July 2018 on Washington Avenue  
25 outside the Marriott when the vice president

1     **visited?**

2             A       No permit.

3             Q       Do you know if there was a permit for  
4     **the protest of the family separation policy in June**  
5     **2018 across from the Dome?**

6             A       No.

7             Q       No permit?

8             A       Not that I know of. Nothing through  
9     my office.

10            Q       In 2017, do you know if there was a  
11    **permit for the protest in July at the Workhouse,**  
12    **City Workhouse?**

13            A       There was no permit.

14            Q       In April of 2017, April 22, 2017, do  
15    **you know if there was a permit for the March for**  
16    **Science?**

17            A       No, there was no permit. They --  
18    well, there was on the Arch grounds, but they  
19    didn't have a street permit.

20            Q       But they did march on the streets,  
21    **didn't they?**

22            A       No.

23            Q       Sidewalks only?

24            A       Sidewalks only. And they had some  
25    water stations in the parks on the way but they

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1 were very orderly. Not that you care.

2 Q Scientists.

3 A Scientists. They were very orderly,  
4 yes. There were a lot of kids at that march.

5 Q All right. Do you know, in February  
6 of 2017, there was a protest against the  
7 immigration-related executive orders of the  
8 president, and that was Care of Missouri's protest,  
9 do you know if they had a permit?

10 A No permit.

11 Q On February 25, 2017, there was a --

12 A Do you know how old I am?

13 Q Oh, you're doing great. You've  
14 remembered everything so far. Do you remember  
15 there being, on February 25, I think it coincided  
16 with Mardi Gras actually, there being an LGBTQ  
17 rally march?

18 A I remember a lot about that one  
19 because I -- the -- I spoke with them on the phone  
20 and we -- and I worked with the police because it  
21 was the day of the Mardi Gras parade, and we were  
22 very, very concerned that we didn't have enough  
23 police to -- you know, depending upon how big this  
24 might get or be with the parade going on. So I  
25 tried to work with the LGBTQ guys to at least look

1 at the time of day so that we had an opportunity to  
2 be able to move police from down in Soulard.

3 As I recall, they were actually at  
4 the old courthouse, is where their rally ended.

5 Q By the way, there was a march as  
6 well?

7 A They, you know, they -- they never  
8 asked me specifically about a march. They just  
9 wanted to do this. And we talked about it, talked  
10 to them several times, and someone actually from  
11 the ACLU called me about that particular event and  
12 I explained to him exactly what I am just  
13 explaining to you.

14 Q I think it was me.

15 A Was it you?

16 Q I believe it was. It's nice to meet  
17 you in person. I'm glad we were able to clear up  
18 that confusion.

19 A Yeah, and then I would -- if it was  
20 you, then you will recall that that's exactly what  
21 I told you is that, you know, I -- my suggestion  
22 was, I said to you what I said to them, why don't  
23 you either choose a different time of day, or go be  
24 part of the Mardi Gras parade and you got a huge  
25 audience.

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1 But that, I don't know -- I don't  
2 even remember exactly what happened. I actually  
3 think that they changed their day.

4 Q Okay.

5 MR. DIERKER: When are you available  
6 for deposition?

7 MR. ROTHERT: I don't remember -- any  
8 time.

9 Q (BY MR. ROTHERT) Okay. And do you  
10 -- so if they weren't going to be -- they were  
11 planning on being in the street? Do you know, why  
12 were -- why were you involved, if you remember?

13 A Because he called me. And because I  
14 know -- I don't know that I know the guy but I know  
15 his brother who is part of Pride and I work with  
16 him on the Black Pride, the Black Pride event, and  
17 then the Pride St. Louis event.

18 So that's why. He knows me. So he  
19 called and said what do I do, and I said, oh, my  
20 gosh terrible day. Don't do it on that day.

21 Q Do you remember, do you know who that  
22 was? Or who his brother was?

23 A I'd have to go look in my -- I don't  
24 remember the name. If I think of it, it'll pop in  
25 my head and I'll tell.

1 Q Just shout it out.

2 A I will.

3 Q But they did not get a Special Event  
4 Permit for that?

5 A No. No. They did not.

6 Q I'm going to go back a year earlier.  
7 Do you know if there was a Special Event Permit for  
8 the November 29, 2016, protest? It was a fight for  
9 a \$15 minimum wage in streets on Hampton and other  
10 locations. Did they have a permit, do you know?

11 A No. Hmm-mm.

12 Q Do you know if there was a permit for  
13 the November 13, 2016, anti -- there was an anti --  
14 I mean, there was an anti-Trump protest that  
15 marched from City Garden to the Justice Center. Do  
16 you know if there was a permit for that?

17 A No. There was no permit.

18 Q Do you know if there was a permit for  
19 a Black Lives Matter protest in the Central West  
20 End in September 2016?

21 A No, there wasn't. I don't remember  
22 that, so I don't -- no. There was no permit  
23 issued, no.

24 Q What about for a -- well, any -- were  
25 there -- were there -- in 2016 there were several



1     **Black Lives Matter protests in the City. Were**  
2     **there Special Event Permits for any of those?**

3             A       No, there were not.

4             Q       Have you ever worked with a group  
5     **that sometimes protests in Missouri called Westboro**  
6     **Baptist Church?**

7             A       No.

8             Q       Are you aware of them having protests  
9     **in the City of St. Louis?**

10            A       Yes.

11            Q       Have they ever had a Special Event  
12    **Permit? Or a --**

13            A       No.

14            Q       Are you aware of a group, I believe  
15    **it's called START, but a protest of a group that**  
16    **protests elephants at circuses and has had protests**  
17    **in St. Louis?**

18            A       Yes.

19            Q       **Yes?**

20            A       Yes.

21            Q       **Yes, you're aware of them?**

22            A       Yes, I am aware of them.

23            Q       **And they have had protests in St.**  
24    **Louis?**

25            A       Yes.

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1           Q       Have they ever had a Special Event  
2 Permit for their protests?

3           A       No.

4           Q       Do you know of a protest, and we're  
5 going way back now. February of 2013 there was a  
6 protest of Patriot Coal. Do you remember --

7           A       Yes.

8           Q       Do you remember that one?

9           A       Yes.

10          Q       See, you have a very good memory.

11          A       Because I talked to the miners.

12          Q       So that was in 2013?

13          A       I know it was quite some time ago.

14          Q       I believe it was February 2013. Did  
15 they have a Special Event Permit for their protest?

16          A       Well, going back to these dates, we  
17 didn't issue Special Event Permits then, but they  
18 did call me and come to me and they did -- they  
19 didn't walk in the street. They were pretty much  
20 on the sidewalk and they went to the Federal  
21 Building but they ended up in Kiener Plaza across  
22 from the Peabody Building and they did have a  
23 permit, for the park.

24          Q       So that was before Special Event  
25 Permits?

1           A       Yes. We were in the process of  
2 building this permit system at that point.

3           Q       So that would have been from the  
4 Parks Department, not from you?

5           A       Yes. Not from me.

6           Q       And were you involved in -- speaking  
7 of Kiener Plaza, there were some protests there in  
8 2012. Do you remember those?

9           A       The Occupy protests, and I was not  
10 involved, again, because there were -- well, they  
11 didn't ask for a permit. They didn't get a permit.

12          Q       Okay. So my understanding is, if  
13 you're going to have a protest on a sidewalk,  
14 you're good, you don't need a permit, you can't  
15 even get a permit; is that right?

16          A       Right. Well, I mean, right. I mean,  
17 there's no permit to issue. Because that's pretty  
18 -- you can't do that. You can't make people get a  
19 permit to walk on the sidewalk.

20                   MR. ROTHERT: Okay. If we could take  
21 just a moment so I can touch base with my  
22 colleague?

23                   MR. DIERKER: Sure.

24                   (Off the record.)

25          Q       (BY MR. ROTHERT) Who -- who is the

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1 person at the Streets Department that approves when  
2 you put things through a Special Event Permit?

3 A Street?

4 Q Street?

5 A Who approves at Streets?

6 Q Yes.

7 A The person?

8 Q Yes. If you know.

9 A His name is -- right now his name is  
10 Zach Fortune. That's who does approval right now.  
11 It has changed many times over the years but right  
12 now that's who it is.

13 Q Is there any kind of criteria that  
14 you know of that the Streets Department uses to  
15 decide to approve or not approve?

16 A Yes. They, I mean, I don't know that  
17 it's written but they look at the area, the purpose  
18 of the closing, and the safety and security of the  
19 area. Who's going to close the streets. Who's  
20 going to -- what is the detour plan to get traffic  
21 around the area. What company are you using so we  
22 know they know how it's going to be barricaded and  
23 done. Is the street safe for use, you know, does  
24 Ameren have a big hole in the middle of the street  
25 and what are they going to do about it. All of

1 that kind of thing.

2 Q If someone is closing the street for  
3 a special event, do they have to -- who does the  
4 actual closing? Like the putting up the barriers?

5 A They do. Well, usually -- actually,  
6 yes. The organizer is responsible for closing the  
7 street. They are also responsible for No Park --  
8 putting the No Parking signs up so that you don't  
9 have cars parked on your route or in the middle of  
10 your event. And there are rules about that and you  
11 need to get them up a minimum of 24 hours ahead of  
12 time, that sort of thing.

13 They are -- the organizer is  
14 responsible for the security, for making sure that  
15 the route is secure and that plan has been approved  
16 by both the Street Department and the Police  
17 Department. It's their responsibility.

18 The permit that you get from the  
19 Street Department is given to you based on the fact  
20 that you have said that you're going to do this and  
21 that this is who is doing it.

22 Q I believe you said you don't know if  
23 there are written criteria? There might just be --

24 A I've never -- I don't think it's on  
25 here.

1           **Q       You're looking at Exhibit Number?**

2           A       5. I am look at Exhibit Number 5.

3           **Q       You're getting very good at this.**

4           A       I'm a quick learner. No. It  
5 doesn't. It just says -- it just asks for "Name  
6 and contact information of traffic control company  
7 preparing your signage and detour plan." It asks  
8 for the streets. But there's nothing written on  
9 here.

10           **Q       Are you aware of any criteria that**  
11 **the Operational Planning Department of the Police**  
12 **Department uses in deciding whether to approve**  
13 **permits?**

14           A       It's a Police Department and no, I am  
15 not.

16           **Q       You mentioned traffic control**  
17 **companies. What are those? Never really heard of**  
18 **them before.**

19           A       Traffic control companies are  
20 companies that have equipment, barricades, signage,  
21 that controls traffic when you block the street.  
22 When you're out driving and you come up and you see  
23 the blinking lights and those are all put out there  
24 by a traffic control company, and there's a plan  
25 that goes along with that. That they -- they work

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1 with the organizer to create the detour plan so  
2 that if you drive -- if you're coming down and  
3 there's a parade down Market and you're coming on  
4 14th Street and you're right there by the  
5 Enterprise Center, there's all these signs that the  
6 road is closed, there should be signage that says  
7 go this way to get out or away.

8 And that's done by what is -- there  
9 is actually a company called Traffic Control, but  
10 they are all called Warning Lights, Traffic  
11 Control, TraMar, all of those. Those are traffic  
12 control companies.

13 Q All right.

14 A See, you learned something.

15 Q Thank you.

16 MR. ROTHERT: One last exhibit.

17 (Exhibit 12 marked for identification  
18 by the court reporter.)

19 Q (BY MR. ROTHERT) I'm going to hand  
20 you what's been marked as Exhibit 12. And I  
21 apologize for -- it's cut off a little bit, but  
22 that's really the City counselor's fault because we  
23 got them from them. I'm going to give a copy to  
24 Mr. Dierker.

25 Well, first of all, do you know what

1     **this is?**

2             A       Oh, I know exactly what it is.

3             **Q       Can you explain what it is, please?**

4             A       Page by page?

5             **Q       Um, yes.   Page 1.**

6             A       This is, page 1 of Exhibit 12, is a  
7     referral letter to the Board of Public Service for  
8     events that have been approved by all of the proper  
9     departments and now are going to the Board of  
10    Public Service for final approval and get their  
11    festival permit.

12            **Q       Okay.   So after everything gets**  
13   **approved -- is that true for all Special Event**  
14   **Permits, they get approved by all of the**  
15   **departments and then go to the Board of Public**  
16   **Service?**

17            A       Correct.

18            **Q       And then the Board of Public Service,**  
19   **do they meet in person?**

20            A       Yes, they do.

21            **Q       How often --**

22            A       Yes, at 1:45 every Tuesday in Room  
23    208. And their secretary, Cherise Thomas, handles  
24    it. And they have a president. His name is Rich  
25    Bradley. And every department, that all my special



1 events go to any of them, they are, all of those  
2 department heads plus a few more, are on the Board  
3 of Public Service. So everybody gets eyes on it.

4 **Q All right. And do you know what**  
5 **criteria they use? Do they have any written**  
6 **criteria for --**

7 A Just what's in the permit  
8 application. They've already seen it before they  
9 get to the BPS meeting. The only -- we've never  
10 had one denied but I guess the only thing would be  
11 is if there was some drastic change in the actual  
12 physical space that the event was going to be in or  
13 some catastrophic something that would preclude the  
14 event taking place.

15 **Q All right.**

16 A Okay?

17 **Q Page 2. Do you know what that is?**

18 A This is a copy of this. This, page 2  
19 is a copy of page 1.

20 **Q All right. Being faxed to someone?**

21 A Right. I don't have any idea who,  
22 though.

23 **Q Do you know who?**

24 A I'm going to look and see.

25 **Q Looks like 9 is probably to get an**

1     **outside line.**

2             A       Yeah.

3             **Q       612-1696.**

4             A       That could be my fax number. That's  
5     mine.

6             **Q       So this is someone faxing it to you?**

7             A       That's somebody -- she faxed it up to  
8     us apparently.

9             **Q       All right. Page 3.**

10            A       You want me to keep going?

11            **Q       Yes, please.**

12            A       All right. This -- okay. So this is  
13     the actual permit for the Free Speech Festival,  
14     Free Speech Zone Festival in Kaufman and Poelker  
15     Park, which is on page number 1 of exhibit number  
16     12, it is the first item.

17            **Q       All right. Now, this seems to be**  
18     **forever; right? It says, "Beginning August 24,**  
19     **2017, and for an undetermined length of time."**

20            A       Yeah. I believe that now it has been  
21     -- I think that they -- I think they gave it up.  
22     I'm not positive.

23            **Q       So could still be in effect maybe?**

24            A       I doubt it but it could be, I guess.  
25     I don't know. I don't remember.

1           **Q       So this is a permit for a park? Or**  
2   **for -- is Kaufman --**

3           A       Kaufman and Poelker Park are the two  
4   parks directly across from City Hall between Market  
5   and Pine, Tucker and 13th, and Chestnut runs down  
6   the middle.

7           **Q       Okay.**

8           A       And the police thought that if they  
9   designated an area for people to protest, that it  
10   would -- I think it was a public safety thing.  
11   That they thought that it would be easier to keep  
12   them safe. And then there would be no reason --  
13   you know, we wouldn't have this issue of having to  
14   keep people out of the street. Is what my  
15   understanding is.

16           **Q       All right. So what was your**  
17   **involvement in this one?**

18           A       They applied.

19           **Q       Who is "they"?**

20           A       The police. For a Special Event  
21   Permit to declare a festival zone, which is this  
22   letter right here. I don't know what page this is,  
23   though. Page 4. It is a letter that is sent from  
24   me, because I sent out the Special Event  
25   Application, to the departments and got the

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1     approvals back, as you can see from the Park  
2     Department, Police Department, Street Department,  
3     to have this Free Speech Zone declared a festival  
4     zone, Kaufman and Poelker Park, and then it  
5     describes -- do you want me to read that?

6             **Q       No, that's fine. All right. And so**  
7     **this was just a few days before -- they applied a**  
8     **few days before they needed it?**

9             A       Um, you know, I don't know. I don't  
10    remember. Yeah. My guess would be yes.

11            **Q       It says August 28 is when you sent it**  
12    **out and they wanted it August 24, so.**

13            A       Yes.

14            **Q       Okay. So since it was so short, did**  
15    **they have to pay the \$100 fee or just the \$25 fee?**

16            A       Just 25.

17            **Q       Okay. And do you know who paid that?**

18            A       I don't know. Somebody came in and  
19    paid it.

20            **Q       All right. If you could turn to page**  
21    **-- the eighth page which is the application? Does**  
22    **this look like the application that was filled**  
23    **snout?**

24            A       Yep. It was Mike Deebea. That's who  
25    did it. Captain Deebea.

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1           Q       He came to your office and did this,  
2   or what happened?

3           A       He did not come to my office. He did  
4   it and sent it to me by email.

5           Q       And then someone came later with the  
6   check? Did someone come later with the check?

7           A       Yes. I think it was Captain Deebea,  
8   actually. Or it could have been cash. We take  
9   cash. Some departments do not. We do.

10          Q       All right. And do they indicate on  
11   here -- where do they indicate their insurance on  
12   this?

13          A       Well, you know, because it's a City  
14   -- City agency dealing with the City, we may not  
15   have had them. They -- we don't -- self-insured,  
16   we don't have insurance. I mean we do, but, you  
17   know, not like that.

18          Q       Now, do you know if this area that's  
19   described here, these two parks, were they  
20   accessible to the public on September 15, do you  
21   know?

22          A       Mm-hmm. Yes, they were.

23          Q       Now, would they -- they had fencing  
24   around them, though; correct?

25          A       We had, yes. Well, we had bike rack

1 around them, but they were very open, you know. It  
2 was -- the bike rack was on the -- on the grass,  
3 like we do any festival.

4 Q Okay.

5 A So, but they were -- they were -- it  
6 was open on 13th Street, it was open on Chestnut.  
7 So. Chestnut runs right down the middle between  
8 the two parks and 13th is on the west end.

9 Q So there would have been two openings  
10 but otherwise, they were --

11 A Both ends of 13th Street and -- which  
12 then is then both ends of Chestnut between Tucker  
13 and 13th. And the bike rack kinda ran around the  
14 perimeter, if I remember right. I didn't really  
15 pay all that much attention but...

16 Q Did -- were there any signs telling  
17 people where the entrances were or what it --

18 A I have no idea. My guess is probably  
19 not but I'm only guessing.

20 Q And has this ever been -- so this was  
21 called a Safe Free Speech Zone. Had that ever been  
22 applied for before?

23 A No.

24 Q And since has it been?

25 A No.

1 MR. ROTHERT: I have no further  
2 questions. Mr. Dierker may have some questions for  
3 you. I don't know.

4 EXAMINATION

5 QUESTIONS BY MR. DIERKER:

6 Q With regard to sidewalks, if a -- an  
7 event proponent makes an inquiry of you and  
8 indicates that the march or other event will  
9 completely block the sidewalk, hypothetically, from  
10 14th Street to Tucker on the north side, would you  
11 -- what, if any, advice would you give them about  
12 permits?

13 A As long as they were on the sidewalk  
14 and didn't step into or impede traffic in the  
15 public right of way of the street and they let  
16 people pass, they can stand on the sidewalk all  
17 day.

18 Q Okay. My question is, if they  
19 contemplated that they would completely block the  
20 sidewalk --

21 A You could get a -- there is a permit  
22 that the Street Department can issue. Let's see,  
23 what is it called. It's called -- it's like when  
24 you have a sidewalk cafe thing and people put stuff  
25 out on the sidewalk. But it doesn't really --

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1 because people are moving and they can move around.

2 Q And I think you referred to the  
3 abortion protests incidents. Was that 2018?

4 A I don't remember. It doesn't seem  
5 like it was all that long ago.

6 Q Well, in any event --

7 A Yeah, there were two of them; one on  
8 each side of the street.

9 Q And the permit process in that  
10 situation was referred exclusively to the Streets  
11 Department; is that correct?

12 A Yes.

13 Q And why was that?

14 A Because all they were doing was  
15 blocking the street and we felt like the best thing  
16 to do would be to give them a permit, let them  
17 block the street. And then as it turned out the  
18 one side didn't use it anyway because they didn't  
19 go in the street, but they -- that, we felt like it  
20 defined their specific space and would kind of keep  
21 them separated.

22 Q And in the operation of your office,  
23 do you differentiate among events based on the  
24 subject matter of the event?

25 A No. I mean, other than just trying



1 to -- not really. I mean, it has to do with the  
2 components of the event. Do they have food and  
3 beverage and more than what the event is about.

4 **Q Did you say opponents of the event?**

5 MR. ROTHERT: Components.

6 A Components. Logistics of the event.  
7 What all do they have.

8 MR. DIERKER: Okay. I have nothing  
9 further.

10 MR. ROTHERT: I have nothing further.

11 MR. DIERKER: Okay. Miss Chance, you  
12 can read the deposition and make corrections if you  
13 feel corrections are warranted, or you can waive  
14 signature and rely on the accuracy of the court  
15 reporter. I recommend that you waive signature.

16 THE WITNESS: Okay.

17 MR. ROTHERT: You're waiving?

18 MR. DIERKER: We'll waive.

19 (Wherein, the taking of the instant  
20 deposition ceased at 2:45 p.m.)

21 (By agreement between Counsel and  
22 with the consent of the witness, the signature is  
23 expressly waived.)

24

25 CERTIFICATE OF REPORTER

1 I, TARA SCHWAKE, a Registered  
2 Professional Reporter and Notary Public within and  
3 for the State of Missouri, do hereby certify that  
4 the witness whose testimony appears in the  
5 foregoing deposition was duly sworn by me; that the  
6 testimony of said witness was taken by me to the  
7 best of my ability and thereafter reduced to  
8 typewriting under my direction; that I am neither  
9 counsel for, related to, nor employed by any of the  
10 parties to the action in which this deposition was  
11 taken, and further that I am not a relative or  
12 employee of any attorney or counsel employed by the  
13 parties thereto, nor financially or otherwise  
14 interested in the outcome of the action.

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*Tara Sallee*



\_\_\_\_\_  
Notary Public in and for  
The State of Missouri

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